Docket No. 4586-4001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stuart Peirson and Jason Butler

Group Art Unit: 1645

Serial No .:

10/674,681

Examiner:

TBA

Filed:

September 29, 2003

For:

Analysis of Real-Time PCR Data

CERTIFICATE OF MAILING (37 C.F.R. §1.8(A))

Mail Stop DD Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached:

- 1. Information Disclosure Statement
- 2. Form PTOL-1449 (Enclosing cited references)
- 3. Return postcard

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 30, 2004

Walter G. Hanchuk Registration No. 35,179

Respectfully submitted

MORGAN & FINNEGAN, L.P.

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313 Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching. For each of the following items listed on the enclosed copy of Form PTO-1449 that is 1. not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed: For each of the following items listed on the enclosed copy of Form PTO-1449 that is 2. not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not 3. enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in various parent applications. A copy of each of the cited non-patent references is enclosed herewith. No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement \bowtie since it is being filed in compliance with: 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national

application other than a CPA; or

		national stage as set forth in §1.491 in an international application; or			
		37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or			
		37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.			
5.	since in para	e is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement t is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified agraph 4 above but before the mailing date of a final action or a Notice of ance (where there has been no prior final action), and is accompanied by one of rtifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.			
6.	it is be	is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since eing filed in compliance with 37 C.F.R. §1.97(c), after the period specified in raph 4 above but before the mailing date of a final action or a notice of ance (where there has been no prior final action):			
		A check in the amount of \$180.00 is enclosed in payment of the fee.			
		Charge the fee to Deposit Account No. <u>13-4500</u> , Order No A DUPLICATE COPY OF THIS SHEET IS ATTACHED.			
7.	A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:				
		ne of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 elow; and			
		ne fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 elow.			
8.	A fee it is be	is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since eing filed in compliance with:			
	a. 🗌	37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);			
	b. 🗌	37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(b)			

	c. 🗌	The fees due under 37 C paragraph 11 below.	.F.R. §	§1.17(h) and 1.17(p) are paid as set forth in			
9.	I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.						
	filed h	I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.					
10.	This d	locument is accompanied in a corresponding PC	by 🔲 T or 🗀	a Search Report Communication which was Foreign counterpart application			
11.		ck in the amount of \$. §§1.17(h) and 1.17(p).	is er	aclosed in payment of the fees due under 37			
	<u>13-45</u>	ge the fees due under 37 C 00, Order No All ACHED.	.F.R. § DUPLI	§1.17(h) and 1.17(p) to Deposit Account No. CATE COPY OF THIS SHEET IS			
	requir Depos	ed for this Information D	isclosu Order	ed to charge any additional fees which may be re Statement, or credit any overpayment to No. 4586-4001. A DUPLICATE COPY OF			
				Respectfully submitted, MORGAN & FINNEGAN, L.L.P.			
Dated: March 30, 2004 By:			By:	Walter G. Hanchuk Registration No. 35,179			
Correspondence Address:							
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RADEMARKE	Attorney Docket: 4586-4001	Serial No.: 10/674,681		
FORM PTO-1449	Applicant: Stuart Peirson et al.			
INFORMATION DISCLOSURE CITATION	Filing Date: 9/29/03	Group Art Unit: 1645		

U.S. PATENT DOCUMENTS .

Examiner Initial	Patent Number	Publication Date	Name	Class	Sub-Class	Filing Date
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	FOREIGN PATENT DOCUMENTS						
Examiner Initial	Patent Number	Publication Date	Country	Class	Sub-Class	Translation	
						Yes No	
						☐ Yes ☐ No☐ Yes ☐ No☐	
						☐ Yes ☐ No ☐ Yes ☐ No	
						☐ Yes ☐ No ☐ Yes ☐ No	

 OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, etc.)
Weihong Liu and David A. Saint, "A New Quantitative Method of Real Time Reverse Transcription Polymerase Chain Reaction Assay Based on Simulation of Polymerase Chain Reaction Kineics", Elsevier Science January 30, 2002
Christian Ramakers et al., "Assumption-free Analysis of Quanitative real-Time Polymerase Chain Reaction (PCR)Data", Neuroscience Letters 2003

Examiner		Date Considered			
EXAMINER:					
	Draw line through citation if not in conformance and not considered.				
	Include copy of this form with next communication to Applicant.				